

EXHIBIT A

VOL. I
Pp. 1 - 41

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

C.A. NO. 3:13-10875-FDS

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JAMIE DAVIS,

Plaintiff

VS.

DIVERSIFIED CONSULTANTS, INC.,
AND DOES 1-10, INCLUSIVE,

Defendants

* * * * *

Deposition of JAMIE DAVIS, a witness called by
counsel for the Defendants, pursuant to the applicable
rules, before Lorreen Hollingsworth, CSR/RPR,
CSR NO. 114793, and Notary Public in and for the
Commonwealth of Massachusetts, at the Offices of
Peabody & Arnold, LLP, 600 Atlantic Avenue, Boston,
Massachusetts, on Tuesday, March 11, 2014, at
11:09 a.m.

HOLLINGSWORTH & ASSOCIATES
(781) 235-1424

1 the caller referring to Rosalee Pagan?

2 A Yes.

3 Q Do I understand correctly then there was a
4 fairly extended period of time where you
5 didn't hear anything from these people?

6 A Yeah.

7 Q And then what happened after that? When
8 was the next call?

9 A The calls just started coming. They just
10 started coming twice a day. Once, I don't
11 pay no mind. If I don't know the number, I
12 don't pay any mind.

13 But once it became twice a
14 day, I kept looking at the number, kept
15 looking at the number, because it kept
16 calling. So -- and then it just popped --
17 dawned on me it was the same number that
18 had called previously. So I answered it at
19 that point.

20 Q Is it correct to say that there were a
21 number of calls that you just didn't answer
22 the phone?

23 A Yeah.

24 Q When you did speak with that woman the

1 first time, did she ask you if it was okay
2 to call you back on that number?

3 A No.

4 Q So at some point, if I understand
5 correctly, you answered one of these calls?

6 A (Nodding.)

7 Q Can you put a time frame on that, a month?

8 A No.

9 Q Okay. If I said it was sometime in the
10 summer of 2012, would you disagree with
11 that? Does that sound more or less correct
12 to you?

13 A I don't think it's 2012, because it was
14 happening -- the very first call had come
15 before 2012, because this pretty much
16 wrapped up at the end of 2012. That's when
17 I contacted my lawyer here. So it was
18 working way before then. It was more like
19 2011 when they particularly started.

20 Q So your best memory is that the calls that
21 you're both concerned about in this case
22 were in 2011?

23 A No, that was the first call. The ones I
24 was concerned about were the ones that

1 continued afterwards, after I -- you know,
2 she said that she was taking me off.

3 Q Okay. So that's the group of calls I'm
4 asking you about now.

5 A Okay.

6 Q Sometime in 2012?

7 A Yes.

8 Q And at some point you answered one of those
9 calls. So my question is: What did the
10 caller say to you and what did you say to
11 the caller in that conversation?

12 A At this point, I probably answered -- I
13 started to answer them more often, because
14 I wanted it to stop. I just thought if I
15 get a different person, I'd get a different
16 result.

17 And to that point, they
18 started getting rude about the situation.
19 You know, and I'm just trying to get them
20 to stop calling me, because I wasn't the
21 person that they were looking for.

22 Q Okay. Let me back up for a second. I was
23 asking you about the first conversation you
24 had.

1 Do you have any memory of that
2 first one? And I don't mean the very first
3 one.

4 A Right.

5 Q The first one after this lag time.

6 A It was the same deal. I just told her, I'm
7 not the person that you're looking for.
8 And she said -- once again, another lady,
9 different one. But she pretty much had the
10 same thing to say, Okay, we'll take you off
11 the list; I'm very sorry; do you know her?
12 I said, No. And it pretty much worked out
13 the same way. But this time the calls only
14 stopped for maybe four days, and then they
15 fired up again.

16 Q Did you have the impression during that
17 second conversation that you were talking
18 to the same person or a different person?

19 A No, it was a different person.

20 Q Can you give me your best estimate of how
21 many conversations like this you had? Are
22 you able to do that?

23 A About -- when I actually talked to them and
24 asked them to take me off?

1 Q Correct.

2 A Probably at least seven.

3 Q And did you have the impression that it was
4 a different caller each time, or did you
5 ever hear a familiar voice?

6 A I think one time I recognized the voice.
7 But, maybe, not totally for sure.

8 Q Do you have a memory of the name of any of
9 the callers?

10 A No.

11 Q Did they typically identify themselves?

12 A At the end, I started getting frustrated
13 with them. I started asking them. Then
14 they started hanging up on me, so...

15 Q Were there ever any calls that came to you
16 from a number that you recognized where you
17 just hung up, didn't address the caller?

18 A No. If I answered it, I addressed the
19 caller.

20 Q So you didn't answer any of them and just
21 hang up?

22 A I don't understand that question.

23 Q You received some calls. And my question
24 is: Did you ever answer any of them but

1 not have a conversation with the caller,
2 just immediately hang up?

3 A No. I talked to them. If I answered, I
4 talked to them.

5 Q So either you ignored the call and didn't
6 pick it up --

7 A That's right.

8 Q -- or you picked it up and had a
9 conversation and said, Take me off the
10 list?

11 A Yes.

12 Q Did you record any of the calls, by any
13 chance?

14 A No. For the most part, I thought they
15 would stop doing it. I just really thought
16 they would do what they said they would do.

17 Q Did they ever call your land line at home?

18 A No.

19 Q Did your girlfriend ever happen to answer
20 your cell phone for any of these calls?

21 A No.

22 Q Did anyone, other than you, ever answer any
23 of these calls, to your knowledge?

24 A No.

1 Q Did you have an attorney prior to the
2 cessation of these calls --

3 A No.

4 Q -- or did that come later?

5 A No.

6 Q What was the sequence, the calls versus
7 engaging counsel?

8 A After the last -- probably the sixth time I
9 talked to a person, I got a guy, and the
10 guy was very rude.

11 He told me that he had talked
12 to me last week and I said that I was her
13 brother or -- I don't know what he said.
14 But he called me a liar. And it really
15 ticked me off at that point in time.

16 And I told him, Look, I
17 don't -- I told you for the last time; I'm
18 not this person; stop calling me.

19 And then when I got the next
20 call, you know -- and I just told them -- I
21 said, If you're not going to take me off
22 the list, I'm going to do something about
23 it, plain and simple.

24 And at that moment, I hung up

1 the phone, and I got on the Internet and I
2 started looking for somebody to do
3 something about it. So this is where we
4 are.

5 Q Did you ever ask any of these callers to
6 identify the company that they were calling
7 from?

8 A No.

9 Q Sir, did you ever send a letter or an
10 e-mail to my client?

11 A No.

12 Q Was this conversation with the guy you just
13 talked about -- was that the last time
14 anybody called you?

15 A No. There was another call after that.
16 Because I answered. And it was a different
17 person. It wasn't him. It's a different
18 person.

19 But I told her I was tired of
20 asking them to take me off the list.
21 Because even when these happened, the next
22 30 calls I don't answer. It's not like it
23 was happening oh, the next day I answered.
24 No. It would be like 30 calls. At some

1 point you get frustrated and say, Look,
2 enough is enough. I just told you -- I
3 don't know how many times -- that I'm not
4 this person. So at this point, I answered
5 the phone.

6 But then after you talked to
7 somebody, you try to let it go. And then
8 you roll up another 20, 25 calls. You're
9 going to answer. You get tired of your
10 phone ringing, especially when I don't give
11 out the number. I don't give out my home
12 phone number; I don't give out my home cell
13 number. So if you call me, and I don't
14 recognize the number, I don't answer it,
15 because I didn't give you my number. Why
16 are you calling me? That's how I feel
17 about it.

18 Q So that seventh call, was that the last
19 call you had with anybody from DCI?

20 A Yeah, I believe so.

21 Q And did the calls to you stop after that?

22 A That's when I contacted them (pointing).

23 Q So the calls stopped only after you engaged
24 legal counsel?

1 A Yes.

2 Q Now, I want to go back to this sixth call
3 where you said the guy was rude to you.
4 Can you be more specific?

5 A I don't like being called a liar. If I'm
6 not that person -- there's no point in time
7 when I ever told you I was her brother or
8 cousin or anybody else.

9 Q Did he use the word you're a "liar"? Or is
10 that the way you took what he was saying?

11 A That's how I took it. If you're telling me
12 I told you last time that I was somebody
13 else, you're calling me a liar, because you
14 said I'm not who I'm telling you I am
15 today.

16 Q Do you remember anything else in particular
17 that he said to you during that call?

18 A No, I don't really like arguing with people
19 on the phone. Either you look me in the
20 face or we're going to end this
21 conversation quickly.

22 Q Were any of the woman that you spoke to
23 rude?

24 A No.

1 Q Do you have any reason to know why this guy
2 was suggesting to you that you were somehow
3 related to this woman?

4 A No idea. Don't know where that came from.

5 Q Did he say anything else, apart from this
6 being related to her notion, that you
7 considered rude or inappropriate?

8 A No, no, not really. Like I said, I didn't
9 have a long of a conversation with him,
10 because I didn't like where it was going.

11 Q Have you ever received any voice mail
12 messages from DCI?

13 A I don't recall. Maybe at the very start.
14 Because it seemed like that's how I knew
15 they was looking for her, because somebody
16 left -- at the very -- like, not in the
17 second half of the calls, but the very
18 first. When they first started calling me,
19 that's how I knew who they were looking
20 for.

21 But when they really started
22 pressing me later, six months later, six to
23 nine months later, they didn't tell me who
24 they were looking for. Because they never

1 left a message. They would just call.

2 Q Do you have any voice mails today that
3 you're able to replay off your phone?

4 A No. They don't save. They only save for
5 30 days or something like that.

6 Q Are you sure that you received a voice mail
7 at some point?

8 A No, I'm sure. That's how -- that's how I
9 knew who they were looking for. But it
10 wasn't -- like I said, it wasn't in a stint
11 when they were rapidly calling me.

12 Q Right.

13 A It was, like, when I first called them, and
14 I let them know. I said, I'm not this
15 person. You know?

16 Q And was it more than one voice mail or just
17 one?

18 A Don't remember.

19 Q Do you remember what the gist of the
20 message was?

21 A No.

22 Q Did the message mention Rosalee Pagan?

23 A Yes. It said her name.

24 Q Do you recall --